

Effective 5/7/2025

17-27a-506.5. Classification of new and unlisted business uses.

As used in this section:

- (1) (a) "Classification request" means a request to determine whether a proposed business use aligns with an existing land use specified in a county's land use ordinances.
- (b) "New or unlisted business use" means a business activity that does not align with an existing land use specified in a county's land use ordinances.

Each county shall incorporate into the county's land use ordinances a process for reviewing and

- (a) approving a new or unlisted business use and designating an appropriate zone or zones for an approved use.

The process described in Subsection (2)(a) shall:

- (i) detail how an applicant may submit a classification request;
establish a procedure for the county to review a classification request, including:
 - (A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use; and
 - (B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use;
- provide that if a use is determined to be a new or unlisted business use:
 - (A) the applicant shall submit an application for approval of the new or unlisted business use to the legislative body for review;
- (2) (iii) (B) the legislative body shall consider and determine whether to approve or deny the new or unlisted business use; and
- (b))
 - (C) the legislative body shall approve or deny the new or unlisted business use, within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the county and appears at required hearings;
 - (iv) provide that if the legislative body approves a proposed new or unlisted business use, the legislative body shall designate an appropriate zone or zones for the approved use; and
provide that if the legislative body denies a proposed new or unlisted business use, or if an applicant disagrees with a land use authority's classification of the proposed use, the legislative body shall:
 - (v) (A) notify the applicant in writing of each reason for the classification or denial; and
 - (B) offer the applicant an opportunity to challenge the classification or denial through an administrative appeal process established by the county.

Each county shall amend each land use ordinance that contains a list of approved or prohibited

- (3) business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).